

Notice of Allowability

Application No.

09/759,627

Examiner

Jennifer Liversedge

Applicant(s)

NOBREGA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/21/2007.
2. ☒ The allowed claim(s) is/are 17-22,33-45,50-53,55 and 56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for continued examination of Application 09/759,627 filed on May 21, 2007.

The RCE involves an IDS with two references.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 21, 2007 has been entered.

EXAMINER'S AMENDMENT

Authorization for this examiner's amendment was given in a telephone interview with Attorney of Record Jordan M. Becker on February 7, 2007.

Regarding claims 17 and 50:

Claim language which as submitted reads "verifying that the wireless communication device is in geographic proximity to the provider" in two places is to be amended to instead read ** verifying that the wireless communication device is in the same geographic area as the provider **.

Regarding claim 39:

Claim language which as submitted reads "verifying that the wireless communication device is in geographic proximity to the provider" is to be amended to instead read ** verifying that the wireless communication device is in the same geographic area as the provider **.

Regarding claim 33:

Claim language which as submitted reads "if the credit transaction is determined not to involve" is to be amended to instead read ** should the credit transaction be determined not to involve **.

Claim language which as submitted reads "if the credit transaction is determined to involve" is to be amended to instead read ** should the credit transaction be determined to involve **.

Allowable Subject Matter

Claims 17-22, 33-55, 50-53 and 55-56 are allowed. The following is an examiner's statement of reasons for allowance: the prior art fails to teach or suggest the limitations of the independent claims.

Independent claim 17 discloses a method of facilitating a credit card transaction between a consumer using a wireless communication device and a provider of a product or service with a commerce platform operated by a single business entity

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storing personal information of the consumer including a credit card number issued to the consumer; receiving information for requesting the transaction from a remote entity; sending information on the transaction to the wireless communication device; receiving a signal from the wireless communication device indicating acceptance of the transaction; receiving a personal identification code and the stored personal information of the consumer to verify the identity of the consumer; verifying the wireless communication device is in the same geographic area to the provider; and in response to verifying the identity and that the wireless communication device is in the geographic area to the provider, sending to a remote entity other than the single business entity a transaction request including information on the transaction and the credit card number, for initiation of a transaction approval process.

Independent claim 33 discloses a method of facilitating a credit transaction between a consumer and a provider of a product or service comprising receiving information associated with the credit transaction from a remote terminal operated by the provider; determining whether the credit transaction involves use of a personal mobile telecommunications device; should the credit transaction be determined not to involve use of a personal mobile telecommunications device, initiating a transaction approval process by transmitting at least a portion of the received information to a clearing network for approval; should the credit transaction be determined to involve use of a personal mobile telecommunication device, then transmitting the received information to a remote validation entity other than the clearing network over a secure

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channel, to enable validation of the credit transaction by the remote validation entity, and upon receiving an indication that the credit transaction has been validated by the remote validation entity, initiating a credit transaction approval process by transmitting at least a portion of the information to the clearing network for approval of the transaction.

Independent claim 39 discloses a method of a telecommunications carrier facilitating a credit card transaction between a consumer using a wireless communication device and a provider of a product or service, comprising providing telecommunications services to users of a plurality of wireless communications devices on a wireless communications network, including storing user account information for each of the plurality of users, the plurality of users including the consumer; storing personal information of the consumer in a database within a trusted domain, the trusted domain excluding the consumer and provider, the personal information including a credit card number issued to the consumer; receiving information for requesting the transaction from a remote entity, the information for requesting the transaction including a unique identifier of the wireless communication device, an amount of the transaction, and a provider identifier; storing the information for the transaction; identifying the wireless communication device and an associated user account based on the unique identifier; verifying that the wireless communication device is in the same geographic area of the provider; sending information on the transaction to the wireless communication device via a wireless network; receiving a signal from the wireless

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communication device indicating acceptance of the transaction by the consumer;
receiving a personal identification code from the wireless communications network;
using the received personal identification code and the stored personal information on the consumer to verify the identity of the consumer, and if the identity of the consumer is verified, sending to a remote entity a transaction request including information on the transaction and the credit card number, for initiation of a transaction approval process, wherein the credit card information of the consumer is not permitted to pass outside the trusted domain; receiving a signal indicating the transaction has been approved; and in response to receiving the signal of approval, storing a digital receipt of the transaction and sending a signal to the wireless communication device over the wireless network to output a message confirming completion of the transaction.

Independent claim 41 discloses a method of facilitating a credit card transaction between a consumer and a provider of a product or service, comprising providing a computer-implemented portal through which the consumer can remotely access a commerce application; storing personal information of the consumer in a database within a trusted domain, the trusted domain excluding the consumer and the provider, the personal information including a credit card number of a credit card issued to the consumer; receiving from a remote entity within the trusted domain information for requesting the transaction including an amount of the transaction and a provider identifier; storing the information for requesting the transaction; generating a session identifier corresponding to the transaction in response to receiving the information for

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requesting the transaction; associating a session identifier with the stored information for requesting the transaction; sending the session identifier to a remote entity for subsequent communication to the consumer; receiving a confidential personal identification code and a user-input session identifier from a wireless communication device via a wireless communications network; using the received personal identification code, the user-input session identifier, and the stored personal information of the consumer to attempt to validate the transaction; using the personal identification code and the stored personal information to verify the identity of the consumer and using the user-input session identifier to look up the stored information for requesting the transaction and to associate the consumer with the transaction; if the transaction is successfully validated, then sending information to the transaction to the wireless communication device over the network, to cause the wireless communication device to output a prompt to accept or decline the transaction; receiving a signal from the wireless communication device indicating acceptance of the transaction; in response to receiving the signal indicating acceptance of the transaction, sending to the remote entity a transaction request including information on the transaction and the credit card number, for initiation of a transaction approval process by a clearing network, without sending the credit card information outside the trusted domain; receiving a signal that the transaction has been approved by the clearing network; storing a digital receipt of the transaction in association with the identity of the consumer and sending a signal to the wireless communication device over the network to output a message confirming the completion of the transaction.

Independent claim 50 discloses a processing system to facilitate credit card transactions between a plurality of consumers using wireless communication devices and a plurality of providers of products or services, comprising a database of personal information of the consumers, including a credit card number issued to the consumers; a processor; a memory containing instructions for execution by the processor to control the processing system to receive information for requesting a transaction from a remote entity; send information on the transaction to one of the wireless communication devices; receive a signal from the wireless communication device indicating acceptance of the transaction; receive a personal identification code from the wireless communication device; use the received personal identification code and the stored personal information on the consumer to verify the identity of the consumer, verify that the wireless communication device is in the same geographic area to the provider and in response to verifying the identity of the consumer and verifying that the wireless communication device is in the same geographic area to the provider, send to a remote entity a transaction request including information on the transaction and the credit card number, for initiation of a transaction approval process.

The primary difference between the claimed invention and the prior art is the determination by a commerce platform that stores personal information such as a credit card number if a wireless communication device is being used by a consumer, that determination being made based upon transaction information sent from a remote entity which provides a unique identifier of the wireless communication device in order that the

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commerce platform can verify the identity of the consumer and verify that the wireless communication device is within the same geographic user as the provider. The commerce platform is a trusted domain in which personal information, such as a consumer's credit card number, is stored and from which both the consumer and provider are excluded thereby eliminating the need for the consumer's credit card number ever to be transmitted to the provider.

The prior art discloses a payment portal processor to be used in transactions between consumers and providers such that a consumer's credit card number is never required to be transmitted to the provider (O'Leary et al., US Patent 6,609,113 B1). O'Leary further discloses where the payment portal processor can be operated via a cellular telephone. However, O'Leary fails to disclose the determination by a commerce platform that stores personal information such as a credit card number if a wireless communication device is being used by a consumer, that determination being made based upon transaction information sent from a remote entity which provides a unique identifier of the wireless communication device in order that the commerce platform can verify the identity of the consumer and verify that the wireless communication device is within the same geographic user as the provider. This is not a relevant determination as required by O'Leary. Further O'Leary fails to disclose where the consumer is excluded from the commerce platform, or trusted domain. In O'Leary, the consumer operates a wallet which contains the personal information such as credit card information, thereby including the consumer in the platform.

Further prior art discloses a telecommunications company operating a transaction system by which consumers can select the type of account to bill for a transaction, such accounts including charge accounts, bank accounts, and telephone/phone bill accounts in such a manner that a trusted third party holds information such as credit card account numbers and payment is initiated and conducted through the third party such that credit card numbers are not ever required to be transmitted to a provider and by which transaction information is transmitted to the third party by the provider (US Patent 6,188,994 B1 to Egendorf). However, Egendorf does not disclose the determination by a commerce platform that stores personal information such as a credit card number if a wireless communication device is being used by a consumer, that determination being made based upon transaction information sent from a remote entity which provides a unique identifier of the wireless communication device in order that the commerce platform can verify the identity of the consumer and verify that the wireless communication device is within the same geographic user as the provider.

Additionally, prior art suggests the use of portable wireless devices for transactions between consumers and providers in which the proximity of the wireless device is important for the transaction to occur (US Patent 6,490,443 B1 to Freeny, Jr.). However, Freeny does not disclose the determination by a commerce platform that stores personal information such as a credit card number if a wireless communication

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device is being used by a consumer, that determination being made based upon transaction information sent from a remote entity which provides a unique identifier of the wireless communication device, wherein the commerce platform is a trusted domain in which personal information, such as a consumer's credit card number, is stored and from which both the consumer and provider are excluded thereby eliminating the need for the consumer's credit card number ever to be transmitted to the provider.

PCT prior art also discloses the use of a mobile telecommunication network to facilitate a transaction between a consumer and a provider (WO 96/13814 to Behruz Vazvan). Vazvan discloses where a mobile telecommunications device can be used to pay for a purchase by which the phone and a subscriber identity or code is used to facilitate the purchase, and wherein there is no need to transmit credit card numbers to a provider. However, Vazvan does not disclose is the determination by a commerce platform that stores personal information such as a credit card number if a wireless communication device is being used by a consumer, that determination being made based upon transaction information sent from a remote entity which provides a unique identifier of the wireless communication device in order that the commerce platform can verify the identity of the consumer and verify that the wireless communication device is within the same geographic user as the provider. The commerce platform is a trusted domain in which personal information, such as a consumer's credit card number, is stored and from which both the consumer and provider are excluded thereby eliminating the need for the consumer's credit card number ever to be transmitted to the provider.

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Rather, all consumers in Vazvan are using mobile telecommunication devices from which the consumer enters all transaction information into his/her mobile phone via the payment options, this information is not received from a remote entity but rather from the consumer. Further, Vazvan includes no requirement for a verification that the mobile device is within a geographic area of the provider.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Kramer can be reached at 571-272-6783. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Liversedge

Examiner

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6/6/07

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